

HONORABLE BENJAMIN SETTLE
HEARING: 11/13/20

IN THE UNITED STATES DISTRICT COURT
WESTERN WASHINGTON DISTRICT OF TACOMA

DALE GARCIA and JANA ARCHAMBEAU,
husband and wife,

Plaintiffs,

v.

THOMAS BENENATI and LORETTA
BENENATI, husband and wife and the marital
community thereof; RYAN LAYTON and
JANE DOE LAYTON, husband and wife and
the marital community thereof; ROBERT
INGRAM and JANE DOE INGRAM, husband
and wife and the marital community thereof;
HEATH YATES and JANE DOE YATES,
husband and wife and the marital community
thereof; MATT NILES and JANE DOE NILES,
husband and wife and the marital community
thereof; STATE OF WASHINGTON;
WASHINGTON STATE PARKS AND
RECREATION COMMISSION; JOHN and
JANE DOES 1-20 and the marital communities
thereof, and ABC CORPORATIONS 1-10,

Defendants.

No. 3:20-cv-05945-BHS

MOTION TO AMEND
COMPLAINT

(NO ORAL ARGUMENT
REQUESTED)

COMES NOW Plaintiffs, by and through one of their attorneys of record, Mark
Leemon and LEEMON + ROYER PLLC, and pursuant to F.R.C.P. 15(a)(2) moves the Court
for leave to amend the Plaintiffs' Complaint for Damages (Dkt. No. 2, EX. A) to Plaintiffs'
proposed Amended Complaint for Damages which is filed herewith.

1 Leave to amend should be granted freely when justice requires. F.R.C.P. 15(a)(2). In
2 this case, it is appropriate to grant Plaintiffs' Motion because the complaint filed in Clark
3 County, removed to this Court by Defendants was filed in its then-present form because of a
4 clerical error. See Declaration of Mark Leemon (Dkt. No.10) and Plaintiffs' Response to
5 Defendants' Motion for Summary Judgment (Dkt. No 9).
6

7 WHEREFORE, Plaintiffs respectfully move this Court for an order granting them
8 leave to amend their Complaint. Plaintiffs further request that the Court accept for filing the
9 Plaintiffs' Amended Complaint for Damages filed herewith.

10 DATED this 2nd day of November, 2020.

11 LEEMON + ROYER, PLLC

12 /s/ Mark Leemon

13 _____
14 Mark Leemon. WSBA #5005
15 Counsel for Plaintiffs

16 PFAU COCHRAN VERTETIS AMALA, PLLC

17 /s/ _____
18 Tom Vertetis, WSBA #29805
19 Counsel for Plaintiffs
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CERTIFICATE OF SERVICE

I declare under the penalty of perjury of the laws of the State of Washington that on the date below a copy of the foregoing document was forwarded for service upon counsel of record as follows:

Stewart A. Estes, WSBA #15535 KEATING, BUCKLIN & McCORMACK, INC. 801 Second Ave., Ste. 1210 Seattle, WA 98104 sestes@kbmlawyers.com Attorney for individual defendants	Sent Via: <input checked="" type="checkbox"/> Email Regular U.S. Mail
Jeremy Culumber AAG United States Attorney's Office 700 Stewart Street, Suite 5220 Seattle, Washington 98101 jculumber@kbmlawyers.com cmarratte@kbmlawyers.com Attorney for defendant State of Washington	Sent Via: <input checked="" type="checkbox"/> Email Regular U.S. Mail

Signed at Seattle, WA this 2nd day of November, 2020.

Diane Oggoian

Diane Oggoian, paralegal